

ZIMBABWE ELECTION SUPPORT NETWORK



NATIONAL WORKSHOP ON CONFLICT MANAGEMENT MECHANISMS

WORKSHOP RECOMMENDATIONS

Harare, Zimbabwe

30 – 31 July 2008

I. PREAMBLE

Mindful of joint civil society resolutions on various issues including elections;

Having deliberated on the conduct of the 2008 Harmonized Election and Presidential Runoff Election from various perspectives;

Having drawn from the experience of other countries in the SADC region, particularly Kenya;

Taking cognisance of the current political developments and the need for further electoral reforms in Zimbabwe, participants of the Zimbabwe Election Support Network's National Workshop on Electoral Conflict Management and Electoral Reform resolved as follows:

II. RECOMMENDATIONS

Regarding aspects of the political and electoral environment which have a bearing on election outcomes, it was recommended as follows:

Media

It was agreed that the role of the media is to objectively provide equal and impartial coverage of events and issues for all election contestants. Equal access to state media for all political parties in the form of both news coverage as well as campaign advertisements was noted as critical.

It was further recommended that there should be no selective accreditation of media houses or journalists to cover elections, particularly foreign media.

To ensure the people have access to information, it was agreed that there was real need for opening up of the airwaves to other players. It was recommended that lawmakers revisit the Broadcasting Services Act to ensure that the law translates to practice in the broadcasting arena.

The meeting also recommended the reduction of import duty on regional media as this had a negative impact on citizen's access to information.

It was emphasized that the media should not be used a platform to propagate hate or abusive language or psychological warfare or propaganda on citizens.

Restrictive Legislation

It was recommended that restrictive provisions of pieces of legislation such as Public Order and Security Act (POSA) be repealed entirely and that lawmakers ensure that legislation creates a conducive environment for the holding of free and fair electoral contests.

Political Parties

On political party finance, it was agreed that the distribution of public political party finance under the current legislative framework should be equitable. Funding of political parties should be transparent and could be administered by an independent party such as the Electoral Commission. Issues relating to foreign funding should also be resolved to ensure all political parties are at an even footing.

It was also agreed that citizens had a right not to be coerced into funding political party activities through forced "donations".

Campaigning

Citizens' freedom of association, expression and assembly should be guaranteed, protected and enforced. In addition all political parties should be entitled to equal access to electorate in all areas of the country.

The need for the consistent, impartial application of the law by courts and all law enforcement and security agents was also stressed as selective application particularly along partisan lines breeds suspicion, mistrust and can cause political and electoral conflict.

The meeting also agreed that citizens should be protected from the politicisation of food aid, and its use as a political tool.

Use of State resources

The meeting recommended that provision should be made to regulate the advantage of incumbency and to minimise the use of government and parastatal assets for political purposes, particularly campaigning.

Role of traditional leaders

It was recommended that the role of traditional leaders should be well defined and should not be abused for political ends. Participation in party politics should be at an individual level, but should remain neutral and non-partisan.

Role of Security forces

It was agreed that it was important for civil servants to be impartial and non-partisan in the discharge of their duties. Further they should not be subjected to political manipulation or intimidation.

Political/Election related conflict

It was recommended that efforts be made by all stakeholders to inculcate a culture of tolerance and respect, a fair political contest as well as electoral conflict management and resolution

It was recognised that there was a real need for systematic rehabilitation of victims including counselling and other support systems provided by both civil society and government.

Regarding electoral processes it was resolved that Zimbabwe needs electoral processes which are free from political control, accurate , fair, transparent and undertaken with full public participation, particularly that:

Delimitation

It was agreed that, to enhance its independence, the Electoral Commission should be made accountable to Parliament not to the President or to the Minister for Justice Legal and Parliamentary Affairs. Consequently it was recommended that the Electoral Commission should report to Parliament.

It was also agreed that this process needs to be conducted in a broadly consultative and participatory manner.

Accreditation of observers

It was recommended that both international and domestic observers should be involved more and given early accreditation so that they can observe the entire electoral process beginning with voter registration.

It was further recommended that observation should be open to a broad spectrum of groups, internationally and regionally, and not subjectively selected.

Voter registration

It was recommended that this process should be administered entirely by the Electoral Commission and that the office of the Registrar General should be relieved of this role.

The meeting further recommended the review of requirements for voter registration with a view to removing restrictive demands such as proof of residence.

Any electronic or printed copies of the voter's roll provided in terms of the legislation should be user friendly and in a usable format.

Inspection of voters' roll

The meeting agreed that in order to minimize confusion there need to be a clear and set timeframe for the inspection of the voters' roll for any election.

It is also suggested that this process could be synchronised with other processes such as the issuing of identification documents.

Nomination of candidates

It was agreed that there is a need for adequate education on requirements to enable potential candidates to submit nomination.

Voter education

It was agreed that adequate voter education should be provided as an ongoing process. The involvement of all stakeholders was encouraged and it was recommended that civil society should also be allowed to complement the Electoral Commission.

Postal Votes

It was agreed that there was need to increase transparency of this process including access of political parties and observers for scrutiny.

Counting process

It was noted that this was a credible and transparent process, particularly the posting of results outside polling stations. It however recommended the amendment of V11 and V23 forms to include the names and identification numbers of those party agents or observers countersigning. Recommendations were made to political parties to have sample signatures of party agents in order to compare with signatures on the V11 and V23 forms.

Announcement

It was recommended that clear guidelines should be set for the announcement of results in a reasonable timeframe and these guidelines should be adhered to.

Dispute management

The need for timeous resolution of disputes through the Electoral Court was noted. The Court should be capacitated to carry out its functions with a view to improving efficiency and independence. Further, multi-party Liaison Committees should be made more effective and given a more significant role.

It was also agreed that the need for negotiated settlement or alternative dispute resolution mechanisms should be explored.

Regarding election management it was resolved that one independent, impartial, accountable and well-resourced election management body was critical and the following recommendations were made:

Selection and Appointment

There must clear criteria for selection, in an open process with adequate checks and balances. The composition should be representative, and involve diverse interest groups

Independence

The need for a competent, independent election management body was cited as crucial. It was recommended that the independence of the Electoral Commission should be enhanced by the allocation of adequate resources directly from the fiscal.

Role

It was noted that the roles of the Commission should be clearer and unambiguous to ensure responsibility and accountability. All election management functions should be vested solely in the Commission. The Commission should also be consulted and allowed to take an advisory lead in the formulation of electoral law. The meeting also recommended the removal of presidential powers empowering the President to amend electoral law without recourse to Parliament.

Conduct and staffing

It was recommended that the Electoral Commission should adopt a more consultative approach to managing the electoral process by involving stakeholders at all stages. This will build trust and confidence of stakeholders, encourage transparency and provide checks and balances, which will enhance the integrity and legitimacy of the election outcome.

It was emphasized that the Electoral Commission should recruit capable permanent staff on a non-partisan basis.

Other recommendations made include the following:

Constitutional Reform

It was recommended that the Constitutional and legal framework be reviewed, including pieces of legislation such as the Public Order and Security Act (POSA) as well as the Access to Information and Protection of Privacy Act (AIPPA) which impact on the enjoyment of fundamental rights and freedoms in Zimbabwe.

Political Dialogue

It was recommended that inter-party dialogue on areas of conflict needs to be encouraged and positively reinforced. It was also agreed that there is need for continuous engagement between political parties and civil society.

Key lessons drawn from the Kenyan experience were that there is need to find a solution that works for Zimbabwe. Further, any political agreement reached needs to have a clear implementation framework.

It was also recommended that efforts be made by all stakeholders to inculcate a culture of tolerance and respect, a fair political contest as well as electoral conflict management and resolution.

III CONCLUSION

In conclusion, without the requisite implementation of constitutional and electoral framework, and the creation of an atmosphere in which persons can campaign and vote freely, the aspirations of Zimbabweans for free and fair, credible election will not be realised. ZESN remains committed to advocating for participatory and people-driven democratic processes in the governance of the country and the security of citizens, their enjoyment of freedoms of movement, assembly and association. The Network will continue working for the establishment of a political and social environment that is conducive to holding free and fair elections in Zimbabwe.

PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE

FOR COMMENTS AND FURTHER DETAILS CONTACT

Zimbabwe Election Support Network

+263 (04) 250735/6 or 703956 zesn@africaonline.co.zw / info@zen.org.zw or visit www.zesn.org.zw